IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 941 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

ZULFIKAR ALIAS IRI, SALLIMUDINRAJPUT

Versus

STATE OF GUJARAT

Appearance:

1. Special Criminal Application No. 941 of 2002

MR YF MEHTA for Petitioner No. 1

Mr A D Oza, PUBLIC PROSECUTOR for Respondent No. 1

NOTICE NOT RECD BACK for Respondent No. 2-3

CORAM : MR.JUSTICE D.P.BUCH

Date of decision: 27/12/2002

ORAL JUDGEMENT

Rule. Heard learned Advocate for the petitioner and Mr A

D Oza, learned PP for the State.

By consent of the parties, the petition is being heard and disposed of finally.

2. It seems that the concerned learned Magistrate of the Metropolitan Magistrate Court at Ahmedabad has received certain reports from the police station. He has also received last report from the Assistant Commissioner of 'H' Division Police Station, Ahmedabad City. Naturally, before finally disposing of the matter and before taking a final decision in the matter, the learned Magistrate is required to consider all those reports in proper perspectives. Therefore, the learned Magistrate is directed to consider all the reports received by him pursuant to his order passed below Exh.3 at Annexure 'B' at page 16 dated 28.8.2002. The learned Magistrate shall decide and dispose of the matter accordingly after considering those reports and after hearing the petitioners. With this direction, the petition is ordered to be disposed of. In the meantime, it is directed that till the final decision in the said matter, the petitioner herein shall not be arrested by the concerned Investigating Officer in the offence in respect of which the present petition has been filed. Rule is made absolute. D.S. permitted.

27.12.2002 [D P Buch, J.]
msp